

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAWN HAMELIN, et al.,

Plaintiffs,

- vs -

5:08-CV-1219

FAXTON ST. LUKE'S HEALTHCARE, et al.,

Defendants.

APPEARANCES:

THOMAS & SOLOMON LLP
Attorneys for Plaintiffs
693 East Avenue
Rochester, NY 14607

BOND, SHOENECK & KING, PLLC
Attorneys for Defendants
One Lincoln Center
Syracuse, NY 13202

DAVID N. HURD
United States District Judge

OF COUNSEL:

J. NELSON THOMAS, ESQ.
PATRICK J. SOLOMON, ESQ.
JUSTIN M. CORDELLO, ESQ.
MICHAEL J. LINGLE, ESQ.
SARA E. ROOK, ESQ.

JONATHAN B. FELLOWS, ESQ.
R. DANIEL BORDONI, ESQ.
SUBHASH VISWANATHAN, ESQ.

DECISION and ORDER

The named plaintiffs brought this action in November 2008, asserting a variety of federal and state law claims. By Report-Recommendation dated July 19, 2010, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendants' motion for dismissal of all claims of the forty-seven named opt-in plaintiffs who have failed to answer court approved interrogatories (Dkt. No. 230) be granted, and that the following plaintiffs' claims against the defendants in this action be dismissed subject to their right, should class certification be granted, to participate as class members in the action if deemed appropriate by the court:

- | | |
|--------------------------|------------------------------|
| 1. Jessica Aiello | 25. Diane Jordan |
| 2. Gayle A. Bankert | 26. William E. Jweid |
| 3. Courtney M. Berberick | 27. Renee Koppany-Minasov |
| 4. Kimberly R. Bonvicino | 28. Donna Misiaszek - Antzak |
| 5. Michael L. Calabrese | 29. Shilo Morreale |
| 6. Nancy W. Conway | 30. Stella D. Paladino |
| 7. Cynthia R. Curtis | 31. Ashley M. Price |
| 8. Regina N. Delmonico | 32. Cheryl A. Rappa |
| 9. Valecia C. Digristina | 33. Jacqueline C. Ruggiero |
| 10. Frank C. Druse, III | 34. Charleen A. Ryan |
| 11. Nancy J. Elsenbeck | 35. Timothy J. Shepherd |
| 12. Darsel M. Excell | 36. Cynthia L. Stark |
| 13. Jennifer L. Flanders | 37. Brenda L. Stefanski |
| 14. Cynthia A. Gardner | 38. Nicole M. Banas |
| 15. Bethany George | 39. Julie A. M. Furgison |
| 16. Deanna Gotte | 40. Phyllis A. Gary |
| 17. LisaGulla | 41. Cecilia Guantero |
| 18. Angela I. Haley | 42. John R. Mason |
| 19. Kathleen M.Haley | 43. Joan D. Parvi |
| 20. Sara K. Hargrave | 44. Patricia Postal |
| 21. Alicia L. Harvey | 45. Susan L. Seymour |
| 22. Patricia M. Hines | 46. Charmaine Williams |
| 23. Elizabeth A. Howe | 47. Daniel Knapp |

24. Laura M. Inman

The plaintiffs have filed timely objections to the Report-Recommendation.

Based upon a de novo review of the entire file, including the portions of the Report-Recommendation to which plaintiff has objected, and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Defendants' motion for dismissal of all claims of the forty-seven named opt-in plaintiffs who have failed to answer court approved interrogatories (Dkt. No. 230) is GRANTED;

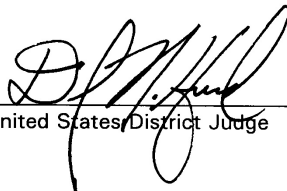
2. The following plaintiffs' claims against the defendants in this action are DISMISSED subject to their right, should class certification be granted, to participate as class members in the action if deemed appropriate by the court:

- | | |
|--------------------------|------------------------------|
| 1. Jessica Aiello | 25. Diane Jordan |
| 2. Gayle A. Bankert | 26. William E. Jweid |
| 3. Courtney M. Berberick | 27. Renee Koppany-Minasov |
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| 19. Kathleen M.Haley | 43. Joan D. Parvi |
| 20. Sara K. Hargrave | 44. Patricia Postal |
| 21. Alicia L. Harvey | 45. Susan L. Seymour |
| 22. Patricia M. Hines | 46. Charmaine Williams |
| 23. Elizabeth A. Howe | 47. Daniel Knapp |

IT IS SO ORDERED.

Dated: August 27, 2010
Utica, New York.


United States District Judge